

**WILLIAMSBURG CITY COUNCIL**  
**February 13, 2003**  
**MINUTES**

The Williamsburg City Council held its regular monthly meeting on February 13, 2003, at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Weiler, Yost, Nester, Hudson, Serra, and Assistant City Manager, Jodi Miller.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

*Mr. Houghland Moved Approval of the City Council Minutes of January 9, 2003. The Motion Was Seconded By Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

**MATTERS OF SPECIAL PRIVILEGE**

**Excellence in Service to Williamsburg Award Presented to Julie Fleming, Finance Department**

Mayor Zeidler said it was her privilege to present the Excellence in Service Award. It is a special award because employees are nominated by their fellow employees and it is a great honor to receive. She asked Julie Phares to join her at the podium. The Mayor read the recognition honoring Julie for her outstanding job performance and service to the city, and presented her with the recognition and award plaque.

Ms. Phares thanked Council and said it was an honor to receive the award. It is a pleasure to work for the city and on the Finance Department team. Mayor Zeidler commented that she had heard from members of the Arts Commission that they could not do their work without Julie.

**Public Hearings**

**PCR #03-02: Amend Chapter 21, Williamsburg City Code, regarding Chesapeake Bay Preservation, to comply with State regulations. (Proposed Ordinance #03-01)**

Reference for this item was Mr. Nester's report dated February 13, 2003, which included a copy of the proposed ordinance.

Mr. Tuttle explained that the Chesapeake Bay Local Assistance Board ("Board") adopted changes to the State's Chesapeake Bay regulations on December 10, 2001. Localities were required to make changes to their ordinances by March 2003. Recently, a letter was received from the Office of the Governor expanding the deadline until the end of the year

until the Board has completed its approval process. (See Copy Attached) Many local jurisdictions have questioned the proposed regulations and the imposed deadline of March 1. Mr. Tuttle recommended that the city hold the public hearing as advertised and defer action until the State process is resolved. A new public hearing would be necessary only if there are major changes in the regulations.

Mr. Nester said the proposed ordinance would amend the city's ChesBay regulations established in 1989. While there were some minor and major changes, he proposed that the city wait until the state's process is completed. All jurisdictions are required to update their local ordinances to match the State's requirements. Mr. Scruggs commented that owners of lots in the city should be made aware of the 100-foot RPA buffer requirement for new development. He was sorry that the state has eased on requirements regarding the storm water component.

Mayor Zeidler opened the public hearing.  
No one wished to speak. The hearing was closed.

*Mr. Haulman Moved that City Council Defer Consideration of Proposed Ordinance #03-01 Pending Further Information From the State. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*  
*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*  
*No: None*

**PCR #03-03: Amend Chapter 21, Williamsburg City Code, regarding a new map based on the City's Electronic Mapping System. (Proposed Ordinance #03-02)**

Reference for this item was Mr. Nester's report dated February 13, 2003. Mr. Nester presented the revised zoning maps and noted that the last set of maps was adopted in 1999. The revised maps are accurate and up to date, and were produced on the AutoCAD mapping system. There are three maps: the Zoning Districts, Architectural and Archaeological Review Districts, and the Chesapeake Bay Preservation Districts. The new maps require amendment of the Zoning Ordinance, and Council's approval of the proposed ordinance.

Mayor Zeidler opened the public hearing. No one wished to speak. The hearing was closed.

Council members were pleased to receive and approve the maps.

*Mr. Scruggs Moved That City Council Adopt Proposed Ordinance #03-02, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, Section 21-123, Official Zoning Map. The Motion Was Seconded by Mr. Houghland.*

*Recorded Vote on the Motion:*  
*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*  
*No: None*

**Application of Clark Transportation for a Certificate of Public Convenience and Necessity (Withdrawn by Applicant)**

Mr. Tuttle confirmed that the applicant withdrew the application.

## **REPORTS**

### **Monthly Financial Statement**

*The Monthly Financial Report was received and ordered filed.*

Mr. Tuttle noted on Page 8 of the report that Sales Tax Revenue declined in January. However, that was the State's mistake and the actual revenue figure was up 1.9% over the prior year.

### **Monthly Departmental Operating Reports**

*The Monthly Departmental Operating Reports were received and ordered filed.*

### **City Manager Reports**

#### **Award of Bid, Sludge Removal at the Waller Mill Water Filtration Plant**

Reference for this item was Mr. Tuttle's report dated February 5, 2003.

Mr. Clayton explained that the city advertised for bids to remove and dispose of the sludge from the lagoons at the Water Plant. The last time they were emptied was in 1992. Of the four bids received, Synagro Mid-Atlantic, Inc. was the lowest. The contract would allow the company 365 calendar days to remove the sludge. Mr. Clayton said that staff is recommending that the bid be awarded to Synagro in the amount of \$139,900.00.

*Mr. Haulman Moved that City Council Authorize the City Manager to Award the Bid and Execute a Contract with Synagro Mid Atlantic, Inc., in the Amount of \$139,900 for the Removal and Disposal of Sludge from the Water Plant. The Motion Was Seconded by Mr. Scruggs.*

*Recorded Vote on the Motion:*

*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

#### **Award of Bid, Prince George Street Storm Drain**

Reference for this item was Mr. Tuttle's report dated February 5, 2003.

Mr. Clayton explained that the city advertised for bids for the Prince George Street Storm Drain project in the area of Prince George Street and Nassau Street. Using an overhead map, Mr. Clayton tracked the route of the replacement storm drain and drain for the Prince George Street Parking Garage and Corner Building project. Four bids were received, the lowest being \$204,905 from George Nice and Sons, Inc. Staff recommended that Council award the bid to George Nice and Sons.

*Mr. Haulman Moved That City Council Authorize the City Manager to award the Bid and Execute a Contract with George Nice and Sons, Inc., for the Prince George Street Storm Drain Improvements in the Amount of \$204,905. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

### **Memorandum of Agreement for Regional Stormwater Management Program**

Reference for this item was Mr. Tuttle's report dated February 3, 2003, which included a

copy of the Memorandum of Agreement and permit application. Mr. Tuttle noted that Mr. John Carlock made a presentation to Council at their February 10 work session regarding the Virginia Pollutant Discharge Elimination System Phase II permit. The city is required by the Clean Water Act to obtain a permit to discharge water from our storm sewer system into surface waters. The HRPDC has developed an agreement with its member jurisdictions to establish a Stormwater management program. The program will greatly assist the city in performing the work required. The city's share of the cost for this program is \$10,375. It is recommended that Council approve the MOA.

Mr. Clayton answered questions about the cost of the program. Mr. Houghland and Haulman commented that this program was another unfunded mandate from the Federal and State governments that add more cost and stress to localities.

*Mr. Haulman Moved that City Council Authorize the City Manager to Sign the Memorandum of Agreement Establishing the Hampton Roads Regional Stormwater Management Program Between the City of Williamsburg and the Hampton Roads Planning District Commission.*

*Recorded Vote on the Motion:*  
*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*  
*No: None*

**Peninsula Light Rail Transit—Locally Preferred Alternative (Proposed Resolution #03-02)**

Reference for this item was Mr. Tuttle's report dated February 6, 2003, which included a copy of the proposed resolution in support of the preferred alternative.

Mr. Tuttle said that Council heard a presentation from Hampton Roads Transit at the February 10 work session about the Light Rail Project and the Preferred Alternative, which is the corridor between Williamsburg and Newport News. The Locally Preferred Alternative has been recommended for approval by the affected localities during February and will be considered for approval by the Metropolitan Planning Organization in March. The next phase in this process will be to do the environmental/engineering evaluations and identify costs. Mr. Tuttle recommended that Council approve the proposed resolution in support the Locally Preferred Alternative for Light Rail Transit on the Peninsula and to preserve the option for High Speed Rail.

Council members and Mr. Tuttle discussed funding. Mr. Tuttle explained that the costs are funded 50-50 between Federal and local governments, but the details have not been worked out. The resolution will not obligate the city to anything, it simply authorizes the continuance of the study process.

*Mr. Scruggs Moved that City Council Approve Proposed Resolution #03-02, Resolution in Support of the Selection of the Locally Preferred Alternative for Light Rail Transit on the Peninsula. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*  
*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*

No: None

**Comprehensive Agreement for Construction of Treyburn Drive Project, Stage One**

Reference for this item was Mr. Tuttle's report dated February 6, 2003. Mr. Tuttle provided background information to summarize the events that transpired to this point regarding the agreement to construct Treyburn Drive. This is a VDOT project performed by the city. This past December City Council received a proposal from Jack L. Massie, Contractor, and authorized Mr. Tuttle and Mr. Phillips to negotiate an agreement with Massie under PPTA Implementation Guidelines. The Agreement provides for a three-stage process. Stage One provides for Engineering and Permitting work, Stage Two will encompass right-of-way acquisition and utility relocation, and Stage Three will be the construction. VDOT funds allocated to Treyburn Drive will be used for Stage One, prior to any city funds being used. Mr. Tuttle recommended that Council authorize the agreement for Stage One, subject to approval and acceptance by VDOT.

Mr. Scruggs was impressed with the work of staff to find a solution to construct Treyburn Drive.

*Mr. Haulman Moved that City Council Authorize Execution of the Comprehensive Agreement for Construction of Treyburn Drive Project, Phase One of Treyburn Drive Development, Subject to prior Approval and Acceptance by VDOT. The Motion Was Seconded by Mr. Houghland.*

*Recorded Vote on the Motion:*

*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

**Agreement for Prince George Parking Garage Pedestrian Entrance**

Reference for this item was Mr. Tuttle's report dated February 5, 2003, which included a copy of the proposed agreement. Using an overhead slide, Mr. Tuttle pointed out the location of the pedestrian entrance to the garage on the SunTrust Bank property. SunTrust leases the property from Colonial Williamsburg Foundation. The city will pay for the demolition work and reconstruction of the canopy at a cost not to exceed \$117,000. This is a three-way agreement between the city, CWF, and SunTrust. Mr. Tuttle recommended Council authorize execution of the agreement.

Mayor Zeidler disclosed that she was an employee of Colonial Williamsburg Foundation, and asked Mr. Phillips if she should vote on this matter. Mr. Phillips responded that it would be best for her to abstain since the agreement directly pertains to CWF.

*Mr. Tabb Moved that City Council Authorize the City Manager to Execute the Agreement Between the City, Colonial Williamsburg Foundation, and SunTrust Bank for Modification to the SunTrust Bank Drive-Through, Not to Exceed \$117,000. The Motion Was Seconded by Mr. Houghland.*

*Recorded Vote on the Motion:*

*Ayes: Haulman, Scruggs, Houghland, Tabb*

*No: None*

*Abstain: Zeidler*

**Agreement for Sale of Additional High Street Properties (TBD)**

Reference for this item was Mr. Tuttle's report dated February 12, 2003, which included a copy of the agreement .

Mr. Tuttle explained that the agreement provides for the sale of the Carolyn Court (Julien property), Chrysler-Kia Dealership (Pittman property) and Legge Property to Creston Corporation (Lerner Enterprises). The purchase price is \$4.4 million, payable in installments over 15 years at 4.9% interest. The additional properties are necessary to provide frontage on Richmond Road for the High Street Development. Mr. Tuttle recommended that Council approve the sale and authorize Mr. Phillips to make any necessary non-substantive or minor changes in the final agreement.

Mr. Phillips noted that the basic sale price and payment schedule was not subject to change. He is working to resolve any outstanding minor issues before the final execution of the agreement. Mr. Phillips provided information pertaining to taxes, closing costs, environmental clean up, and securities.

*Mr. Haulman Moved that City Council Authorize Execution of the Agreement for Sale of Additional High Street Properties, and Further Provided that the City Attorney be Authorized to Approve Non-Substantive or Minor Changes in the Final form of the Agreement, and other Changes as May be Necessary to Conform the Agreement to the City's Final Purchase Contracts for the Subject Properties. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

**City Attorney Report**

**Amend the Williamsburg City Code Regarding Towing of Abandoned Vehicles (Proposed Ordinance #03-03)**

Council members received a copy of the proposed ordinance. Mr. Phillips explained that this ordinance was prepared at the request of Chief Yost, to address cars parked on public streets for an extensive period of time and do not move, and to assist private property owners, as allowed by state Code.

Chief Yost explained that the City Code falls short about vehicles left on the street with expired decals and the proposed ordinance will give the police more leeway when handling these situations. He explained the process and regulations for towing vehicles and noted there is an appeals process.

*Mr. Houghland Moved that City Council Adopt Proposed Ordinance #03-03, An Ordinance to Add Division 4 of Article VI, Chapter 12 of the Williamsburg Code Regarding the Removal of Immobilized and Unattended Motor Vehicles from Public Streets. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

**Update: Rental Registration and Inspection Program**

Mayor Zeidler asked Mr. Phillips to update Council about the latest General Assembly actions concerning House Bill #1678.

Mr. Phillips said that many localities have spent time negotiating an amendment to the Bill, and that our recently adopted ordinance would not go forward without a viable amendment. He briefly explained the provisions of the most recent Bill (see attached). If the Bill passes, it will be necessary for every locality that has a rental inspection program to rewrite their local ordinance to comply with the State Code. If the General Assembly passes the latest bill, the city will fair better than it expected. Once the Senate has passed the Bill and it is signed into law, the city would have to rewrite our ordinance, effective as of July 1. Our local representatives have assured the Virginia Municipal League that they would support this version of the Bill.

Mr. Phillips said the lawsuit against the city is pending, but has not been served. If this latest statute passes, it will make the lawsuit meaningless.

Mayor Zeidler thanked Mr. Phillips and Christine Workman of his office for their work on this matter and for engaging in this process.

**APPOINTMENT TO BOARDS AND COMMISSIONS**

*Mr. Houghland Moved That Mr. Douglas Pons be Appointed As the Planning Commission Representative to the Architectural Review Board, as recommended by the Planning Commission. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

Council members received the resignation letter of Mr. David R. Schultz from the Industrial Development Authority. Council directed that the Clerk of Council advertise the vacancy.

**OPEN FORUM**

Mayor Zeidler opened the comment session. No one wished to speak. The session was closed.

The meeting adjourned at 3:41 p.m.

Approved: March 13, 2003

Shelia Y. Crist, Clerk of Council

Jeanne Zeidler, Mayor